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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,289	08/08/2005	Wolfgang Otto Budde	DE 030047	1503
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EXAMINER				
ABYANEH, ALI S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,289

Applicant(s)

BUDDE ET AL.

Examiner

ALI S. ABYANEH

Art Unit

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-15 are pending.
2. Claims 1, 3, 6, 10 and 14 are amended.
3. In light of Applicant's amendment, the previous objection to the claims 3 and 10 are withdrawn
4. In light of terminal disclaimer of 10-21-2009, double patenting rejection is withdrawn.

Response to Arguments

5. Applicant's arguments filed 10-21-2009 have been fully considered but they are not persuasive.

Applicant in page 7 of the remarks contends, in Svensson "the user's key is never transmitted to any other devices". Examiner respectfully disagrees.

Transmitting the user's key to other devices is not novel in the art , in fact Svensson clearly suggests transmitting user's key to other devices (see paragraph [0024]).

In page 8 of the remarks applicant argues, "Svensson does not teach a two stage process, i.e., configuration stage/ authentication stage for configuring and authenticating devices of the network". Examiner respectfully disagrees.

Firstly, in paragraph 25 Svensson discloses authentication is completed at block 40 of the fig.2. Examiner considers any stage before a complete authentication as a

configuration stage. Secondly, argument and claim amendment regarding configuration stage refers to intended use and structure. Since the limitation refers to the use and structure, it does not further limit the claim. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In view of the above discussion examiner maintains the rejection as follows:

Objections

6. Claims 1 and 6 is objected to for the following reasons:

In claim 1, line 8, after "during said configuration stage", insert a punctuation mark.

In the claim 6, there is insufficient antecedent basis for limitation of "the guest key".

Claim 6 is further objected to for being dependent on itself. Claim is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

For the purpose of examination examiner considers the claim 6 depends on the claim 5.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svensson (US Pub No. 2003/0120920 A1) in view of Varadharajan (EP 0756397 A2).

Regarding claim 1, 14 and 15

Svensson teaches a security system for networks, comprising a first portable unit for exclusive use during a configuration stage, the first portable unit comprising:

a memory for storing a worldwide unambiguous key record, a first transmitter provided for short-range information transmission of the key record to at least one apparatus of the network during said configuration stage, thereby provisioning the at least one apparatus during said configuration stage

said at least one apparatus of the network comprising:

a receiving unit comprising: a receiving for receiving the key record from the first portable unit via said short range transmission during the said configuration stage to allow secure communication with at least one other apparatus of the network during an authentication stage; an evaluation component of the apparatus for, storing, processing and/or passing on the key record or a part of the key record (paragraph [0024]-[0025]).

Svensson does not explicitly teach **storing the key record** in said at least one apparatus, storing, processing and/or passing on the key record or a part of the key record **to a second component of the at least one apparatus during the said authentication stage; and means for triggering a transmission of the key record via transmitter**. However, in an analogous art, Varadharajan teaches storing the key record in said at least one apparatus, storing, processing and/or passing on the key record or a part of the key record to a second component of the at least one apparatus (column 6, lines 20-26); and means for triggering a transmission of the key record via transmitter (column 3, lines 25-34).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Svensson to include storing the key record in said at least one apparatus, storing, processing and/or passing on the key record or a part of the key record to a second component of the at least one apparatus; and means for triggering a transmission of the key record via transmitter. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so in order to allow authentication and to protect communication between devices (column 1, lines 8-10).

Regarding claim 2-5

Varadharajan furthermore teaches wherein the first portable unit further comprises a triggering unit for triggering a short-range transmission of the key record to said at least one apparatus of the network; wherein upon a user's approach to the

receiving unit, a detector unit in the portable unit is provided for triggering the short-range information transmission of the key record to said at least one apparatus of the network; wherein a key generator is provided in the first unit or in a second unit for generating a sequence of guest key records; and wherein the first portable unit is configured to transmit a guest key record upon activation of a second triggering unit (column 3, lines 1-10 and 25-34).

Regarding claim 6 and 7

Svensson furthermore teaches a security system wherein the key record and the guest key record each consist of a bit sequence (paragraph [0020]); wherein the portable first unit is a part of an apparatus, particularly a remote control unit (paragraph [0025]).

Regarding claim 8 and 9

Svensson furthermore teaches a security system, wherein the key record is supplied by the first portable unit during or before a network configuration, particularly an automatic network configuration, of an apparatus; and wherein the key record and the guest key record comprise characterizing bits which are provided for distinguishing between key records and other bit sequences and characterize bit sequences as key record or as guest key record (paragraph [0020]).

Regarding claim 10 and 11

Svensson furthermore teaches a security system, wherein the apparatus is provided for erasing the guest key record; and a security system, wherein the apparatus is provided for authentication and encryption of useful data to be transmitted between the apparatuses of the network by means of a key comprised in the key record (paragraph [0024]-[0025]).

Regarding claim 12 and 13

Svensson furthermore teaches a security system, wherein the apparatus is a powerline communication apparatus; and a powerline communication network (paragraph [0012]).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abyaneh whose telephone number is (571) 272-7961. The examiner can normally be reached on Monday-Friday from (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone numbers for the organization where this application or proceeding is assigned as (571) 273-8300 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/A. S. A./

Examiner, Art Unit 2437

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2437